

# **Title 14: COURT PROCEDURE -- CIVIL**

## **Chapter 401: APPEALS**

### **Table of Contents**

<b>Part 4. PROCEEDING AFTER VERDICT OR JUDGMENT.....</b>	
Subchapter 1. GENERAL PROVISIONS.....	3
Section 1801. ORIGINAL PAPERS SENT UPON APPEAL; EXCEPTIONS.....	3
Section 1802. APPEAL FOUND TO BE FRIVOLOUS.....	3
Section 1803. NO ORAL TESTIMONY ON APPEAL; ADDITIONAL EVIDENCE.....	3
Subchapter 2. SUPERIOR COURT.....	3
Section 1851. OBJECTIONS; APPEALS.....	3
Subchapter 3. DISTRICT COURT.....	3
Section 1901. SUPREME JUDICIAL COURT; EXCEPTIONS.....	3
Section 1902. APPEALS WITHOUT TRIAL.....	4
Section 1903. APPELLANT'S RECOGNIZANCE.....	4
Section 1904. PRODUCTION OF COPIES AND PAPERS.....	4



**Maine Revised Statutes**  
**Title 14: COURT PROCEDURE -- CIVIL**  
**Chapter 401: APPEALS**

**Subchapter 1: GENERAL PROVISIONS**

**§1801. ORIGINAL PAPERS SENT UPON APPEAL; EXCEPTIONS**

In cases carried from a District Court to a higher court, all depositions and original papers, except the process by which the action was commenced, the return of service thereon and the pleadings shall be certified by the proper officer and carried up without leaving copies unless otherwise ordered by the court having original cognizance.

**§1802. APPEAL FOUND TO BE FRIVOLOUS**

If an appeal to the law court or Superior Court is found by that court to have been frivolous and intended for delay, treble costs may be allowed to the prevailing party. [ 2001, c. 81, §1 (AMD) . ]

SECTION HISTORY

2001, c. 81, §1 (AMD) .

**§1803. NO ORAL TESTIMONY ON APPEAL; ADDITIONAL EVIDENCE**

No witnesses shall be heard orally before the law court as a part of the case on appeal, but the court may, in such manner and on such terms as it deems proper, authorize additional evidence to be taken when the same has been omitted by accident or mistake or discovered after the hearing.

**Subchapter 2: SUPERIOR COURT**

**§1851. OBJECTIONS; APPEALS**

For all purposes for which an exception has heretofore been necessary in civil cases, it is sufficient that a party, at the time the order or ruling of the court is made or sought, makes known to the court the action that the party desires the court to take or the party's objection to the action of the court and the grounds for the objection. If a party has no opportunity to object to a ruling or order, the absence of an objection does not thereafter prejudice that party. In any civil case any party aggrieved by any judgment, ruling or order may appeal therefrom to the law court. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule. [ 2001, c. 17, §2 (AMD) . ]

SECTION HISTORY

2001, c. 17, §2 (AMD) .

**Subchapter 3: DISTRICT COURT**

**§1901. SUPREME JUDICIAL COURT; EXCEPTIONS**

**1. Appeals from District Court.** Except as provided in subsection 3 or by court rule, an appeal may be taken from the District Court to the Supreme Judicial Court sitting as the Law Court. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule.

[ 2001, c. 17, §3 (AMD) . ]

## 2. Exceptions.

[ 1999, c. 731, Pt. ZZZ, §42 (AFF); 1999, c. 731, Pt. ZZZ, §7 (RP) . ]

**3. Exceptions.** An appeal from the District Court is to the Superior Court in the case of:

A. An appeal in a forcible entry and detainer case, pursuant to section 6008 and the Maine Rules of Civil Procedure, Rule 80D(f); [ 2005, c. 48, §2 (AMD) . ]

B. An appeal in a small claims case brought pursuant to chapter 738 and the Maine Rules of Civil Procedure, Rule 80L; and [ 2005, c. 48, §2 (AMD) . ]

C. An appeal of an involuntary hospitalization brought pursuant to Title 34-B, section 3864, subsection 11. [ 2005, c. 48, §2 (NEW) . ]

[ 2005, c. 48, §2 (AMD) . ]

### SECTION HISTORY

1975, c. 552, §2 (AMD). 1993, c. 338, §1 (AMD). 1993, c. 675, §B10 (RPR). 1999, c. 731, §ZZZ7 (AMD). 1999, c. 731, §ZZZ42 (AFF). 2001, c. 17, §3 (AMD). 2005, c. 48, §2 (AMD).

## §1902. APPEALS WITHOUT TRIAL

In actions in a District Court, either party, after appearing and filing his pleadings, may waive a trial and give the adverse party judgment, and then appeal as if there had been an actual trial.

## §1903. APPELLANT'S RECOGNIZANCE

If so requested by the adverse party, the appellant shall within one week after notice of such request, or within such further time as may be allowed by the court, recognize to such adverse party in a reasonable sum, with condition to prosecute his appeal with effect and pay all costs arising after the appeal.

## §1904. PRODUCTION OF COPIES AND PAPERS

When such appeal is completed, the clerk shall file in the appellate court, the record and the originals of all papers filed in the cause. [ 1965, c. 19, §3 (AMD) . ]

### SECTION HISTORY

1965, c. 19, §3 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 126th Maine Legislature and is current through August 1, 2014. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.